

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Notice of Motion No. 3101 of 2004

In

Appeal No. 425 of 2004

In

Arbitration Petition no. 117 of 2003

Kirit Gulabbhai Desai .. Appellant
V/s.
M/s. Motilal Oswal Securities Ltd. .. Respondents

Mr. R.D. Dhanuka i/b. Ms. A.R. Dhanuka for the Appellant
Mr. R. Yadav for the Respondents

(Mentioned. Not on Board).

CORAM : S. RADHAKRISHNAN &
S.A. BOBDE, JJ.

DATED : 09.12.2004.

P.C. :-

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondents. By this Notice of Motion, the Appellant is seeking recall of our order dated 7.10.2004, whereby Notice of Motion No. 1741 of 2004 was dismissed in default. Perused the Affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recall of our order dated 7.10.2004. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Under these circumstances, Notice of Motion is made absolute in terms of prayer clause (a).

(S. RADHAKRISHNAN, J.)

(S.A. BOBDE, J.)